

### ATTORNEY DOCKET NO. 13198.0007U1 PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Huesca et al.	) Art Unit: 1614	
Application No. 10/579,149	) Examiner: Anderson, James I	).
371(c) Date: January 19, 2007	) Confirmation: 8922	
For: ARYL IMIDAZOLES AND THEIR USE AS ANTI-CANCER AGENTS	) )	

## STATEMENT ACCOMPANYING PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)(5)

Sir:

Lorus Therapeutics Inc., "Assignee," is the owner of the entire right, title, and interest in the above-identified application, as evidenced by:

- i) the Assignment recorded at Reel/Frame 018999/0172 from Mario Huesca, Raed Al-Qawasmeh, and Aiping H. Young to Lorus Therapeutics Inc.;
   ii) the Assignment recorded at Reel/Frame 018999/0136 from Yoon Lee to Lorus Therapeutics Inc.;
   iii) the Name Change recorded at Reel/Frame 019814/0114 from Lorus Therapeutics Inc., to 4325231 Canada Inc.;
- iv) the Assignment recorded at Reel/Frame 019828/0768 from 4325231 Canada Inc., to GeneSense Technologies Inc.,
- v) the enclosed Assignment from GeneSense Technologies Inc., to Lorus
  Therapeutics Inc., which is being recorded concurrently herewith,
- vi) the enclosed Assignment from Lisa Lock to Lorus Therapeutics Inc., which is being recorded concurrently herewith.

### ATTORNEY DOCKET NO. 13198.0007U1 APPLICATION NO. 10/579,149

Assignee states that Assignee agrees to the change in inventorship in the above-referenced application from Mario Huesca, Raed Al-Qawasmeh, Aiping H. Young, and Yoon Lee to Mario Huesca, Raed Al-Qawasmeh, Aiping H. Young, Yoon Lee, and Lisa Lock. The undersigned is authorized to act on behalf of Assignee.

Lorus Therapeutics Inc.

Names Area 11

Title: Presulent and CED

Date: August 6, 2009

#### ASSIGNMENT OF INVENTION

This Assignment is effective as of May 31, 2009.

In consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we,

GENESENSE TECHNOLOGIES INC. (hereinafter "the Assignor"), having a place of business at 2 Meridian Road, Toronto, Ontario M9W 4Z7, Canada,

have agreed to sell, assign and transfer, and do hereby sell, assign and transfer effective as of May 31, 2009 to

LORUS THERAPEUTICS INC. (hereinafter "the Assignee"), having a place of business at 2 Meridian Road, Toronto, Ontario M9W 4Z7, Canada,

all our right, title and interest throughout the world in and to (1) the inventions relating to and described and/or claimed in the patent applications and patents listed in Schedule A; (2) all improvements, including but not limited to modifications, additions, substitutions, derivatives, and deletions to said invention(s); (3) the patent applications and patents listed in Schedule A and national phase applications thereof; (4) all other applications for Letters Patent in any country throughout the world for said invention(s) and improvements, including but not limited to all divisional, continuation, continuation-in-part, renewal, reissue, and substitute applications; (5) any Letters Patent which may issue from any of said applications as exemplified in (3) and (4) above in any country throughout the world; (6) all Convention or Treaty rights derived from any of said applications, including without limitation, all rights of priority throughout the world in and to said applications; and (7) the full and complete right to file applications for Letters Patent in the name of the Assignee, or in our name at the Assignee's election, on said invention(s) and improvements in all countries throughout the world.

For said consideration, the Assignor agrees, upon the request and at the expense of the Assignee, its successors and assigns, to execute any and all divisional, continuation, continuation-in-part, reissue and substitute applications for said invention(s) and improvements, and acknowledge and agree that all rights therein shall vest in the Assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by said Assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

In addition, the Assignor will, at the request of the Assignee, execute any and all documents required by the Assignee to fully and properly vest the aforementioned rights in the Assignee.

The undersigned hereby grants to the firm of MBM Intellectual Property Law LLP whose full post office address is P.O. Box 809, Station B, Ottawa, Ontario, Canada, K1P 5P9,

the power to insert on this assignment any further information and/or correct any clerical error in the information pertaining to the referenced applications and patents, which may be necessary or desirable in order to comply with the patent legislation for recordation of this document.

FOR THE ASSIGNOR:
SIGNED at Toronto, Ontario, Canada, this, day of, 2009.
ayeen
again
(Signature)
Name: Aiping Young
Title: President & CEO
GENESENSE TECHNOLOGIES INC.
I was personally present and did see Aiping Young duly sign and execute the above assignment.
Ph/M-
(Signature of witness)
Elizabeth Williams
(Name of witness)
FOR THE ASSIGNEE:
Trad anno
SIGNED at Toronto, Ontario, Canada, this, day of, 2009.
notrema.
(Signature)
Name: Aiping Young
Title: President & CEO
LORUS THERAPEUTICS INC.
I was personally present and did see Aiping Young duly sign and execute the above assignment.
Enlett-
(Signature of witness)
Elizabeth Williams
(Name of witness)

### Schedule A

### Immunomodulating Compositions from Bile (Virulizin)

Country	Filed	Serial #	Patent #
AUSTRALIA	9/9/1994	97242/98	732816
CANADA	9/9/1994	2,171,281	2,171,281
CHINA	9/9/1994	94194002.0	94194002.0
EUROPE (Germany, Spain, France, Italy,		•	
Great Britain)	9/9/1994	94926737.1	717631
HONG KONG	9/9/1994	98107139.0	HK1007922
JAPAN	9/9/1994	508370/95	
SOUTH KOREA	9/9/1994	96-701198	260110
MEXICO	9/9/1994	9406945	212,218
NEW ZEALAND	9/9/1994	273,258	273258
UNITED STATES	9/9/1994	08/612,921	6,280,774
UNITED STATES	1/7/2000	09/479,835	6,551,623
UNITED STATES	12/13/2006	11/637.921	·

# IMMUNOMODULATING COMPOSITIONS FROM BILE FOR THE TREATMENT OF IMMUNE SYSTEM DISORDERS (Virulizin)

Country	Filed	Serial #	Patent #
AUSTRALIA	3/13/1996	48739/96	711294
CANADA	3/13/1996	2,215,339	2,215,339
BRAZIL	3/13/1996	PI9607967	
JAPAN	3/13/1996	8(1996)-527137	
MEXICO	3/13/1996	977111	254072
SINGAPORE	3/13/1996	9705689-9	50147

# IMMUNOMODULATING COMPOSITIONS FOR TREATMENT OF IMMUNE SYSTEM DISORDERS

(Virulizin)

Country	Filed	Serial #	Patent #
UNITED STATES	1/17/2001	09/764.010	6.596.319

### IMMUNOMODULATING COMPOSITIONS FOR THE TREATMENT OF VIRAL DISORDERS (Virulizin)

Country	Filed	Serial #	Patent #
SOUTH AFRICA	. 7/13/1998	986,224	986,224

### COMBINATION PREPARATION OF A BIOLOGICAL RESPONSE MODIFIER AND AN ANTICANCER AGENT AND USES THEREOF

(Virulizin in combination with chemotherapy)

Country	Filed	Serial #
CANADA	11/8/2001	2,428,145
EUROPE	11/8/2001	1983364.9
HONG KONG	11/8/2001	4100981.7
UNITED STATES	4/2/2008	12/061,274

### 2,4,5-TRISUBSTITUTED IMIDAZOLES AND THEIR USE AS ANTI-MICROBIAL AGENTS $(\mbox{MI}\mbox{-}220)$

Country	Filed	Serial #
AUSTRALIA	8/19/2003	2003257329
BRAZIL	8/19/2003	PI0313763-5
CANADA	8/19/2003	2,496,241
CHINA	8/19/2003	3824355.5
EUROPE	8/19/2003	3787546.5
HONG KONG	10/24/2005	5109435.9
JAPAN	8/19/2003	2004-528206
MEXICO	8/19/2003	2005/002040
UNITED STATES	3/19/2003	10/525,690

### ARYL IMIDAZOLES AND THEIR USE AS ANTICANCER AGENTS (ML-133)

Country	Filed	Serial #
AUSTRALIA	11/15/2004	2004289539
CANADA	11/15/2004	2,545,942
EUROPE	11/15/2004	4799154.2
HONG KONG	11/15/2004	07102016.9
JAPAN	11/15/2004	2006-539065
UNITED STATES	11/15/2004	10/579,149

#### USE OF INTERLEUKIN 17E FOR THE TREATMENT OF CANCER

Country	Filed	Serial #
CANADA	3/8/2006	2,599,754
EUROPE	3/8/2006	08705265.4
UNITED STATES	3/8/2006	11/817,914

### 2-INDOLYL IMIDAZO[4,5-D]PHENANTHROLINE DERIVATIVES AND THEIR USE IN THE TREATMENT OF CANCER

Country	Filed	Serial #
Australia	5/26/2006	2006250809
Canada	5/25/2006	2,611,032
China	5/25/2006	200680023377.2
Europe	5/25/2006	06756007.8

Japan

5/25/2006

2008-513005

**United States** 

5/25/2006

11/915,257

USE OF 2-INDOLYL IMIDAZO[4,5-D]PHENANTHROLINE DERIVATIVES AND THEIR USE IN THE TREATMENT OF INFLAMMATION AND ALLERGIES

Country

Filed

Serial #

**United States** 

12/1/2008

61/118,669

2-INDOLYL IMIDAZO [4,5-D] PHENANTHROLINE DERIVATIVES AND USES THEREOF IN COMBINATION WITH CHEMOTHERAPEUTICS IN THE TREATMENT OF CANCER

Country

**Filed** 

Serial #

**United States** 

12/1/2008

61/118,671

2-INDOLYL IMIDAZO[4,5-D]PHENANTHROLINE DERIVATIVES AND THEIR USE TO INHIBIT OR PREVENT ANGIOGENESIS

Country

Filed

Serial #

United States

3/12/2009

61/159,705

CANADA	· .
Province of Ontario	}
On this 1 day of June	, 2009, before me, LERALD W.
MACKENZIE a N	Notary Public in and for the Province of Ontario,
personally appeared Aiping Young	g, personally known to me or proven on the basis of
satisfactory evidence to be the person	on whose name is subscribed to the within instrument,
and acknowledged to me that she	executed the same in her capacity, and that by her
signature on the instrument the pe	erson, or the entity upon behalf of which the person
acted, executed the instrument.	

A NOTARY PUBLIC IN AND FOR THE PROVINCE OF ONTARIO

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TO: CHRISTOPHER L. CURFMAN COMPANY: 999 PEACHTREE STREET



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



\*500939677A\*

AUGUST 19, 2009

PTAS

CHRISTOPHER L. CURFMAN 999 PEACHTREE STREET SUITE 1000 ATLANTA, GA 30309

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/18/2009

REEL/FRAME: 023112/0988

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). DOCKET NUMBER: 13198.0007U1

ASSIGNOR:

GENESENSE TECHNOLOGIES, INC.

DOC DATE: 06/01/2009

ASSIGNEE:

LORUS THERAPEUTICS, INC. 2 MERIDIAN ROAD TORONTO, CANADA M9W 4Z7

SERIAL NUMBER: 10579149

FILING DATE: 01/19/2007

PATENT NUMBER: ISSUE DATE:

TITLE: ARYL IMIDAZOLES AND THEIR USE AS ANTI-CANCER AGENTS

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PATENT ASSIGN	Ν	I١	ИENT	•
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Electronic Version v1.1

08/18/2009

500939677 Stylesheet Version v1.1 SUBMISSION TYPE: **NEW ASSIGNMENT** NATURE OF CONVEYANCE: **ASSIGNMENT CONVEYING PARTY DATA Execution Date** Name 06/01/2009 Genesense Technologies, Inc. **RECEIVING PARTY DATA** Name: Lorus Therapeutics, Inc. Street Address: 2 Meridian Road Toronto City: State/Country: CANADA Postal Code: M9W 4Z7 PROPERTY NUMBERS Total: 1 **Property Type** Number Application Number: 10579149 CORRESPONDENCE DATA (678)420-9301 Fax Number: Correspondence will be sent via US Mail when the fax attempt is unsuccessful. 678-420-9300 Phone: Email: curfmanc@ballardspahr.com Correspondent Name: Christopher L. Curfman Address Line 1: 999 Peachtree Street Address Line 2: **Suite 1000** Atlanta, GEORGIA 30309 Address Line 4: 13198.0007U1 ATTORNEY DOCKET NUMBER:

Total Attachments: 6

NAME OF SUBMITTER:

source=13198\_0007U1\_\_Executed\_Assignment\_Genesense\_Technologies#page1.tif source=13198\_0007U1\_\_Executed\_Assignment\_Genesense\_Technologies#page2.tif source=13198\_0007U1\_\_Executed\_Assignment\_Genesense\_Technologies#page3.tif

Christopher L. Curfman

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### ASSIGNMENT OF INVENTION

BETWEEN: LISA LOCK, of 49 Devon Road, Toronto, Ontario, M4E 2J7, Canada,

("Assignor")

AND

LORUS THERAPEUTICS INC., of 2 Meridian Road, Toronto, Ontario, M9W 4Z7, Canada,

("LORUS" and formerly known as 6650309 Canada Inc.)

The parties acknowledge and agree to the following facts:

- 1. LORUS THERAPEUTICS INC., as it then was up until July 10, 2007 ("Old LORUS"), of 2 Meridian Road, Toronto, Ontario, M9W 4Z7, Canada, was the assignee of a provisional patent application filed in the United States on August 6, 2004 as 60/599,509 and was also the applicant in respect of a patent application filed under the Patent Cooperation Treaty on November 15, 2004 as PCT/IB2004/052433 (collectively, the "Patent Applications") which sought protection for an invention entitled Aryl Imidazoles and Their Use as Anti-Cancer Agents (the "Invention").
- 2. Prior to the filing of the Patent Applications, the Assignor's Patent Rights (as defined below) were vested in Old LORUS by virtue of the Assignor's then employment under Old LORUS.
- 3. Since then, Old LORUS did change its name to 4325321 Canada Inc. on July 10, 2007.
- 4. Furthermore, 4325321 Canada Inc. did sell, assign and transfer, among other things, the Patent Rights to GeneSense Technologies Inc. ("GENESENSE") on July 10, 2007.
- 5. It was determined through a review by GENESENSE that the Assignor is a co-inventor of the subject matter claimed in the Patent Applications and that the inventorship error in failing to name the Assignor as an inventor in the Patent Applications occurred without any deceptive intention on the part of the parties.
- 6. Since then, the winding-up, liquidation and dissolution of GENESENSE was made effective May 31, 2009, and its assets, including the Patent Rights, were distributed to LORUS.
- 7. At the request of LORUS, the Assignor has agreed to confirm in writing that at least as early as August 6, 2004 all of the Assignor's Patent Rights were vested in Old LORUS, and for greater certainty, to assign in writing the Assignor's Patent Rights to LORUS effective May 31, 2009 through this assignment.

#### ASSIGNMENT

### 1. The Assignor:

- a. Confirms for valuable consideration received, the assignment to Old LORUS of all her right, title and interest in and to: the Patent Applications and the Invention, including all improvements to said Invention; the corresponding national phase applications; all other applications for Letters Patent in any country throughout the world for said Invention and improvements, including but not limited to all divisional, continuation, continuation-in-part, renewal, reissue, and substitute applications; any Letters Patent which may issue from any of said applications in any country throughout the world; all Convention or Treaty rights derived from any of said applications, including without limitation, all rights of priority throughout the world in and to said applications; and the full and complete right to file applications for Letters Patent on said Invention and improvements in all countries throughout the world ("Patent Rights");
- b. Confirms that the vesting of all the Assignor's Patent Rights was effective prior to the filing of the Patent Applications; and
- c. Assigns for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Assignor's Patent Rights to LORUS effective May 31, 2009.

#### 2. LORUS confirms:

- a. Old LORUS did change its name to 4325321 Canada Inc. on July 10, 2007;
- b. 4325321 Canada Inc. did sell, assign and transfer the Patent Rights to GENESENSE on July 10, 2007; and
  - c. GENESENSE did convey, assign and transfer the Patent Rights to LORUS effective May 31, 2009.
- 3. For the avoidance of doubt, the parties acknowledge and agree that the Assignor's Patent Rights have been and are hereby assigned to LORUS effective May 31, 2009.

The undersigned hereby grant to the firm of MBM Intellectual Property Law LLP, whose full post office address is P.O. Box 809, Station B, Ottawa, Ontario, K1P 5P9, Canada, the power to insert on this assignment any further information and/or correct any clerical error in the information pertaining to the referenced applications above, which may be necessary or desirable in order to comply with the patent legislation for recordation of this document.

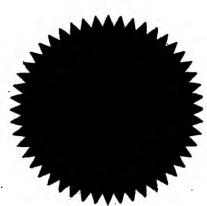
[Signatures follow on next page]

### EXECUTION OF ASSIGNMENT OF INVENTION

ASSIGNOR:	WITNESS:
Lisa Lock	By: Jell Cold
By:Lisa Lock	(Signature)
Lisa Lock	Jeff Lightfort
	(Name of witness)
July 2, 2009  (Date Signed)  Toronto, Canada	
(Date Signed)	(Date Signed)
lovento (anada	
(City & Country Where Assignment Executed)	
Affidavit of Subscribing Witness	
I, Jeff Lightfoot, of 20 Bu	(Witness address)
make oath and say that I was personally present at the above Assignment.	nd did witness Lisa Lock duly sign and execute
- 1	)
Sworn Before Me at Toronto (City, Province/State)	<b>,</b> )
	)
(Country) on July 9 09 (Date)	
(country)	S SUCCA
	(Signature of Witness)
(Commissioner's Signature)	
Rombur Nissan	) — 10 - 111 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
(Commissioner's Name)	Red Seal Notary Inc.
	4850 Yonge Street, Unit 201 Toronto, Ontario, M2N 5N2
A Commissioner for taking Oaths and Affidavits	for the Tel: (416) 922-7325
jurisdiction of Ontario	
(State, Province, etc)	
Malinited	
My commission expires	

Benhur Nissan
Barrister & Solicitor
Notary Public and Commissioner of Oaths
in and for the Province of Ontario.
My commission is of unlimited duration.
No legal advice given

Page 3 of 4

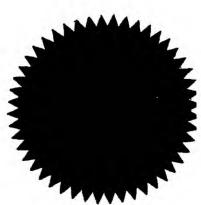


### **EXECUTION OF ASSIGNMENT OF INVENTION**

ASSIGNEE:	WITNESS:
By: Ofee G	By: Jelly Cycle
Aiping Young	(Signature)
President and CEO	
Lorus Therapeutics Inc.	(Name of witness)
July 2, 2009	
(Date Signed)	(Date Signed)
Toronto, Canada	
(City & Country Where Assignment Executed)	
Affidavit of Subscribing Witness	
I, Jeff Lightfart, of 20 Buc	Mitness address) (Witness address)
make oath and say that I was personally present and execute the above Assignment.	did witness the Assignee duly sign and
(Country) (Date)  (Commissioner's Signature)  (Commissioner's Name)	(Signature of Witness)  Red Seal Notary Inc. 4850 Yonge Street, Unit 201
A Commissioner for taking Oaths and Affidavits for	Toronto, Ontario, M2N 5N2
jurisdiction of Ontario	Tel: (416) 922-7325
(State, Province, etc)	
, [ , ] ]	
My commission expires Unlimited	
(Evniry Date)	

Benhur Nissan
Barrister & Solicitor
Notary Public and Commissioner of Oaths
in and for the Province of Ontario.
My commission is of unlimited duration
No legal advice given

Page 4 of 4



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8/21/2009 7:57:42 AM PAGE 2/005

COMPANY: 999 PEACHTREE STREET

TO: CHRISTOPHER SEP 28 2009



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AUGUST 19, 2009

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CHRISTOPHER L. CURFMAN 999 PEACHTREE STREET SUITE 1000 ATLANTA, GA 30309

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RECORDATION DATE: 08/18/2009 REEL/FRAME: 023112/0960 NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS). DOCKET NUMBER: 13198.0007U1

ASSIGNOR:

LOCK, LISA

DOC DATE: 07/02/2009

ASSIGNEE:

LORUS THERAPEUTICS, INC. 2 MERIDIAN ROAD TORONTO, CANADA M9W 4Z7

SERIAL NUMBER: 10579149 FILING DATE: 01/19/2007

PATENT NUMBER: ISSUE DATE:

TITLE: ARYL IMIDAZOLES AND THEIR USE AS ANTI-CANCER AGENTS

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#### PATENT ASSIGNMENT

Electronic Version v1.1 Stylesheet Version v1.1

08/18/2009 500939670

SUBMISSION TYPE:	NEW ASSIGNMENT	
NATURE OF CONVEYANCE:	ASSIGNMENT	
CONVEYING PARTY DATA		
	Name	Execution Date
Lisa Lock		07/02/2009

#### **RECEIVING PARTY DATA**

Name:	Lorus Therapeutics, Inc.	
Street Address:	2 Meridian Road	
City:	Toronto	
State/Country:	CANADA	
Postal Code:	M9W 4Z7	

#### PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	10579149

#### CORRESPONDENCE DATA

Fax Number:

(678)420-9301

Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone:

678-420-9300

Email:

curfmanc@ballardspahr.com

Correspondent Name:

Christopher L. Curfman

Address Line 1:

999 Peachtree Street

Address Line 2:

Sulte 1000

Address Line 4:

Atlanta, GEORGIA 30309

ATTORNEY DOCKET NUMBER:	13198.0007U1
NAME OF SUBMITTER:	Christopher L. Curfman

Total Attachments: 4

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